



Policy: 1162
Chapter: Employee-Juvenile Relationships
Rule: Preventing and Responding to Sexual Offenses Involving Juveniles

Effective: 04/24/2008
Replaces: N/A
Dated: N/A

Federal Law	ARS	ACA	NCCHC
Prison Rape Elimination Act of 2003 ("PREA"), 42 U.S.C. § 15601, et seq.	§41-2804, §8-201, §13-1404, §13-1405, §13-1406, §13-1407, §13-1410, §13-1419	3-JTS-1D-10, 3-JTS-2C-02-1, 3-JTS-3D-06-1 through 7, 3-JTS-3D-06-9 and 10	Y-A-13, Y-G-09, YI-03

The Arizona Department of Juvenile Corrections (ADJC) prohibits sexual activity, sexual conduct, sexual abuse, sexual contact, sexual misconduct, or sexual assault between ADJC personnel, volunteers, interns, or contract personnel and juveniles. ADJC extends this zero tolerance policy to include any sexual activity, sexual assault, sexual conduct, sexual contact, sexual misconduct, or sexual abuse between juveniles and will thoroughly investigate and hold accountable person(s) who violate these policies and Arizona State laws.

The purpose of this policy and rules is to deliver professional services and treatment within a multidisciplinary coordinated framework promoting a therapeutic environment within which an ADJC Youth can feel safe and secure. The goal is to further treat ADJC Youth victims with dignity and respect and to minimize secondary trauma that is often associated with child abuse investigations.

A handwritten signature in black ink, appearing to read "Michael D. Branham".

Michael D. Branham, Director

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Definitions:

1. **Child Abuse Assessment/Child Advocacy Centers:** Centers in Maricopa and Pima County that are specially designed to help reduce the trauma to a youth victim by offering services such as forensic medical exams. These protocols have been adopted state wide. Refer to <http://www.acainfo.ahsc.arizona.edu/protocol/protocol.htm>
2. **Child Molestation** as defined in ARS 13-1410: By intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with a female breast, with a child under 15 years of age.
3. **Forensic Nurse Examiner (FNE):** a specially trained nurse with the necessary qualifications to provide child abuse examinations.
4. **Forensic Interview:** A forensic interview is an interview that is recorded while it's being conducted and performed by a child interview specialist (also known as a forensic interviewer) who has had extensive training and is certified as a specialist.
5. **Forensic Medical Exam:** An examination conducted to diagnose sexual trauma and collect trace evidence. The exam is performed by a specially trained medical professional who can provide expert testimony in judicial proceedings.
6. **Sexual abuse** as defined in ARS 13-1404: By intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast. It is a defense to a prosecution pursuant to section 13-1405 if the victim is fifteen, sixteen or seventeen years of age, the defendant is under nineteen years of age or attending high school and is no more than twenty-four months older than the victim and the conduct is consensual.
7. **Multidisciplinary Protocol for the Investigation of Child Abuse:** An interagency Council Protocol developed to serve as the model for how child abuse cases should be handled by each discipline.
8. **Sexual Assault Nurse Examiner (SANE Nurse):** a specially trained nurse with the necessary qualifications to provide child abuse examinations.
9. **Sexual assault** as defined in ARS 13-1406: By intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
10. **Sexual conduct with a minor** as defined in ARS 13-1404: By intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age. **Note:** This statute applies to a perpetrator regardless of his or her age.
11. **Sexual contact** as defined in ARS 13-1401: Any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
12. **Unlawful sexual conduct; correctional facilities** as defined in ARS 13-1419: A person commits unlawful sexual conduct by engaging in any act of a sexual nature with an offender who is in the custody of the state department of corrections, the department of juvenile corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of either department or a city or county.
 - a. For the purposes of this subsection, "person" means a person who is employed by the state department of corrections or the department of juvenile corrections.
 - b. For the purposes of this section, "any act of a sexual nature" includes the following:

- i. Any completed, attempted, threatened or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire.
- ii. Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire.
- iii. Any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, a juvenile or offender with the intent to arouse or gratify sexual desire, either:
 - 1. While the juvenile or offender is in a state of undress or partial dress.
 - 2. While the juvenile or offender is urinating or defecating.

13. **Vulnerability assessment** – An assessment which shall serve to identify physical plant and operational issues that exist within secure facilities that create vulnerabilities for sexual offenses to occur.